

ORDINANCE NO. 2011-02

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING ARTICLES 2, 6, AND 9 OF THE SEDONA LAND DEVELOPMENT CODE CONCERNING MEDICAL MARIJUANA FACILITIES; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES OR ANY PART OF THE SEDONA CITY CODE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE REPEALED UPON THE EFFECTIVE DATE OF THIS ORDINANCE; AND DESCRIBING PENALTIES THERETO

Whereas, Proposition 203 to allow the use, sale and cultivation of medical marijuana in the State of Arizona was adopted by the voters at the November 2, 2010 election, and

Whereas, A.R.S. §36-2806.01 of the Arizona Medical Marijuana act allows municipalities to enact reasonable zoning regulations that limit land uses related to the use, sale and cultivation of medical marijuana, and

Whereas, it is necessary to restrict, limit or prohibit, the use of property within the city of Sedona by establishing reasonable and appropriate regulation of medical marijuana dispensaries and cultivation facilities in order to protect the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, AS FOLLOWS:

Section 1. Adoption by Reference

The proposed amendments to Articles 2, 6, and 9 of the Sedona Land Development Code relating to medical marijuana facilities, as set forth in that edited document entitled "*Proposed Amendments to the Sedona Land Development Code Related to Medical Marijuana Facilities*", incorporated in as Exhibit A and established as a public record by Resolution No. 2011-03, is hereby referred to, adopted, and made a part hereof, as if fully set forth in this Ordinance, and serve to amend the Sedona Land Development Code in accordance with the provisions thereof.

Section 2. Repeal

All ordinances or parts of ordinances or any part of the Sedona City Code in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

Section 3. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more sections,

subsections, sentences, clauses, phrases, or portions thereof would be declared invalid or unconstitutional.

Section 4. Penalty

Any person violating any provision of this Articles 2, 6, and 9 as amended concerning medical marijuana facilities shall be guilty of a Class 1 misdemeanor, and may be fined an amount up to \$2500, or imprisoned for a period up to 6 months, or both, pursuant to ARS §§13-603, 13-707, and 13-802. Probation may be imposed in accordance with the provisions of ARS Title 13, Chapter 9. Each day that any violation continues shall be a separate offense punishable as above described or by civil sanction. In the alternative, an action may be commenced as a civil violation pursuant to Section 1401 of the Land Development Code.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona this 8th day of February, 2011.



Rob Adams, Mayor

ATTEST:



Randy Reed, MMC, City Clerk

APPROVED AS TO FORM:



Michael Goimarac, City Attorney